

### REMARKS

Claims 1-42 are pending in the application. Claims 19 and 24 are objected to for various informalities. Claims 40 and 41 are rejected under 35 U.S.C. §112 as allegedly failing to comply with the written description requirement. Claims 1-18 are rejected under 35 U.S.C. §112 as failing to particularly point out and distinctly claim the subject matter which the inventor regards as the invention. Claims 1, 3, 12, and 15 are rejected under 35 U.S.C. §102(b) as anticipated by Kramer (U.S. Patent No. 4,173,255). Claims 32, 36, and 42 are rejected under 35 U.S.C. §102(b) as anticipated by Fitzpatrick (U.S. Patent No. 4,125,163). Claims 32-42 are rejected under 35 U.S.C. §102(b) as anticipated by Cholet et al. (U.S. Patent No. 4,718,824). Applicants respectfully request reconsideration of the application in view of the amendments and remarks herein.

#### ***Claim Objections***

Claims 19 and 24 are amended to change "section" to "suction." Applicant respectfully submits that such amendment is not for reasons of patentability, but merely corrects typographic errors in the claims.

#### ***Claim Rejections – 35 USC §112***

Claims 40 and 41 are rejected under 35 U.S.C. §112 as allegedly failing to comply with the written description requirement by containing subject matter which was not described in the specification at the time the application was filed. Specifically, it is argued that ceasing flow generated by the pump in response to a decrease in the fluid pressure is not described in the specification. Applicants respectfully direct the Examiner's attention to page 13, lines 1-12 of the application (paragraph [0027] in the published application) which state in part:

Thus, the rate of rotation of the drive shaft 44 may be reduced or **ceased** in response to a decrease in the level of the fluid 32 within the well bore 16,

Applicants submit that this language supports claims 40 and 41 and respectfully request that this rejection be withdrawn.

Claims 1-18 are rejected under 35 U.S.C. §112 as failing to particularly point out and distinctly claim the subject matter which the inventors regard as the invention. Specifically, it is argued that the limitation "between the outlet and the inlet" is unclear. Claims 1 and 12 have been amended to clarify that the limitation means that the recirculated fluid enters the pumping unit between the inlet and the outlet of the pumping unit. Similarly, claim 7 has been amended to clarify that the recirculated fluid enters the pump between the inlet of the housing and the outlet of the stator/rotor portion. Accordingly, Applicants respectfully request that this rejection be withdrawn and these claims be examined as amended.

***Claim Rejections – 35 USC §102***

Claims 1, 3, 12, and 15 are rejected under 35 U.S.C. §102(b) as anticipated by Kramer (U.S. Patent No. 4,173,255). Independent claim 1, as amended, recites that "movement of the valve relative to the pumping unit causes the pumped fluid to be recirculated from the outlet back to enter the pumping unit between the inlet and the outlet of the pumping unit." Independent claim 12 includes a similar limitation. Kramer, however, fails to disclose that the pumped fluid is recirculated to enter the pumping unit between the inlet and the outlet of the pumping unit. Accordingly, Kramer fails to anticipate claim 1, its dependent claim 3, claim 12 and its dependent claim 15. Applicant respectfully requests withdrawal of the rejections to these claims under 35 U.S.C. § 102(b).

Claims 32, 36, and 42 are rejected under 35 U.S.C. §102(b) as anticipated by Fitzpatrick (U.S. Patent No. 4,125,163). Similarly, claims 32-42 are rejected under 35 U.S.C. §102(b) as anticipated by Cholet et al. (U.S. Patent No. 4,718,824). As amended, independent claim 32 recites "the pumping unit having a first passage extending to a suction end of the pumping unit for transmission of pumped fluid and a second passage extending to a suction end of the pumping unit." As amended, independent claims 36, 42, and 43 include similar limitations. Neither Fitzpatrick nor Cholet discloses pumping units having a first passage extending to a suction end of the pumping unit for transmission of pumped fluid and a second passage extending to a suction end of the pumping unit. Accordingly, Fitzpatrick fails to anticipate claim 32, claim 36, and claim 42. Similarly, Cholet fails to anticipate claim 32, its dependent claims

33-35, claim 36, its dependent claim 37-41, claim 42, and claim 43. Therefore, Applicants respectfully request withdrawal of the rejections to these claims under 35 U.S.C. § 102(b).

***Conclusion***

For at least the reasons discussed above, Applicants respectfully submit that the Application is in condition for allowance, and request such Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with Examiner and further request that the Examiner contact the undersigned attorney to schedule a telephone conference.

No fees are believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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